



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

August 25, 2004

SUBJECT: **2004-0600:** Application on a 7,600 square-foot site located at **1050 Yorktown Drive** in an R-1 (Low Density Residential) Zoning District. (APN: 202-29-015) DO

Motion **Use Permit** to allow an eight-foot fence in the rear yard along Fremont Avenue.

REPORT IN BRIEF

Existing Site Single-Family Home

Conditions

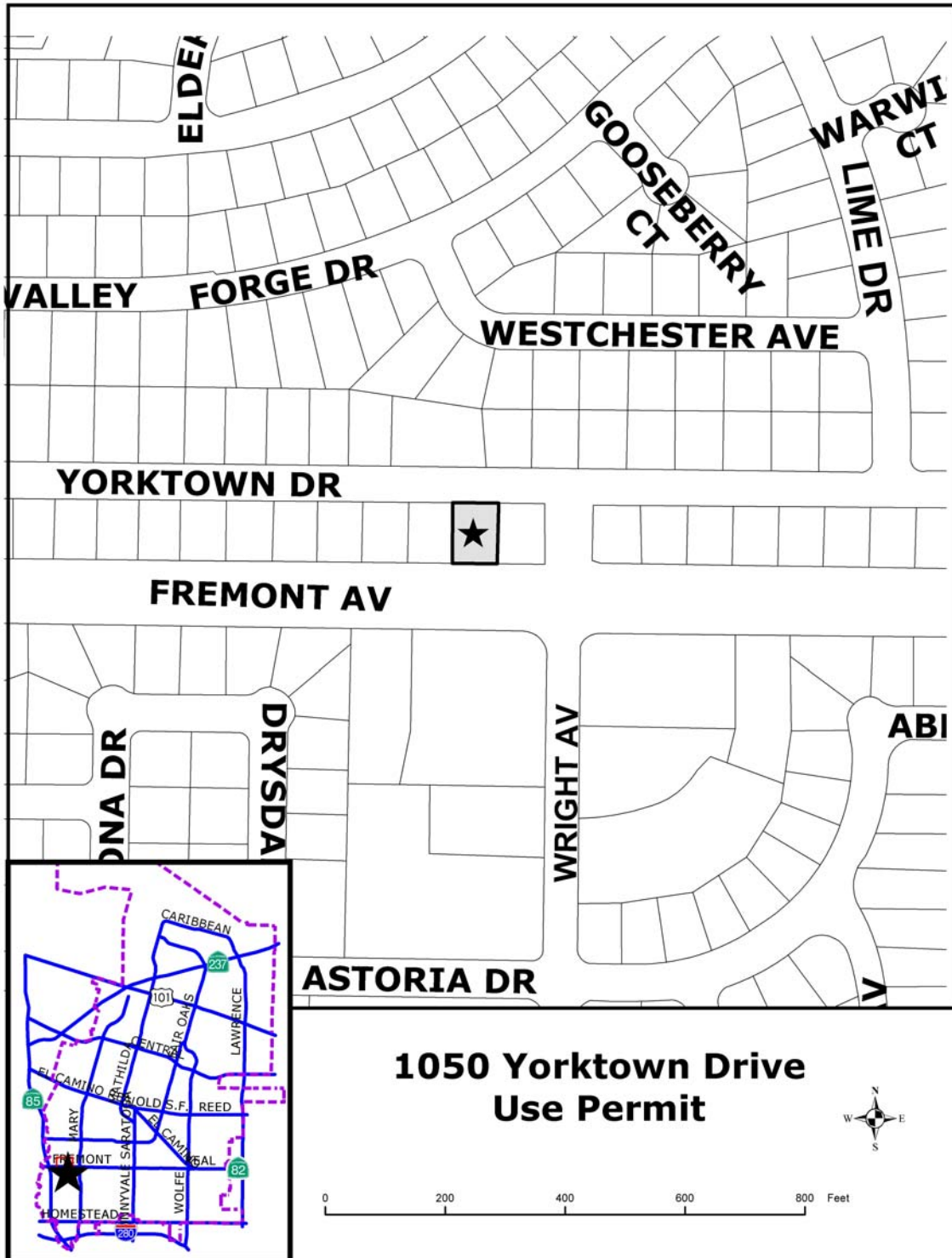
Surrounding Land Uses

North	Single-Family Residential
South	Fremont Avenue and Senior Housing
East	Single-Family Residential
West	Single-Family Residential

Issues Preservation of Landscaping
Effect on Fremont Avenue Streetscape

**Environmental
Status** A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff
Recommendation** Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	7,600	Same	8,000 min.
Fence Height	Approx 5 ft.	8 ft.	With Use Permit
Fence Setback	Approx 2 ft. from the edge of the sidewalk along Fremont Av.	Same	2 ft. from edge of sidewalk (location of property line)

ANALYSIS**Background**

Previous Actions on the Site: There are no previous planning actions related to the subject site.

Description of Proposed Project

The applicant proposes to replace an existing 5 ft. high fence along Fremont Avenue with an 8 ft. high fence.

Environmental Review

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City guidelines. Class 11 Categorical Exemptions include accessory structures such as fences.

Use Permit

Use: The purpose of the fence is to create a taller visual buffer between the site's backyard and Fremont Avenue.

Site Layout: The subject site is accessed by Yorktown Drive but backs up to Fremont Avenue. The right-of-way along Fremont Avenue is 8 ft. wide with 6 ft. for curb and sidewalk and 2 ft. additional distance to the property line. The

proposed rear yard fence would be located on the property line, 2 ft. from the edge of Fremont Avenue's sidewalk. This fence would be aligned with fences to the north and south.

Fence Design: The fence design is 7 ft of board on board with 1 ft. of lattice on top for a total of 8 ft. This fence is similar in design and height as the fence to the east.

Landscaping: All significant trees inside the existing fence will be preserved. The shrubs between the fence and the sidewalk will be removed to facilitate the installation of the new fence. Staff is not requiring replacement landscaping as that is not typical of the Fremont Avenue streetscape. Most fencing in this area does not have landscaping between the fence and the sidewalk.

Compliance with Development Standards

This project complies with all development standards.

Expected Impact on the Surroundings

This proposed fence will have little impact on the surroundings. The fence will be more visible from Fremont with the removal of the landscaping and the 3 ft. additional height. However, this height is consistent with other fencing along Fremont Avenue.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 7 notices were mailed to the adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Steve Lynch
Associate Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project as the height and design of the fence are typical of residential fencing in the along Fremont Avenue and provides additional privacy for the rear yard.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The proposed fence is compatible with the height and design of surrounding fences. The new fence will benefit the appearance of the site.

Single Family Home Design Guidelines 3.11 G – *Side fencing may be solid fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged.*

The proposed fence has one foot of lattice on top that softens the appearance of the fence and is compatible with surrounding fences.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. The two-year expiration date of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. The applicant shall obtain a building permit.

Fremont Ave

Proposed 8' fence

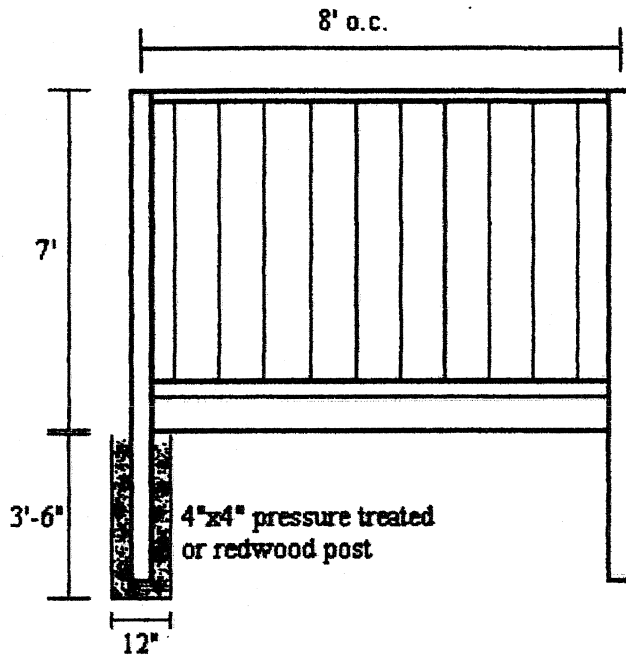
House

Garage

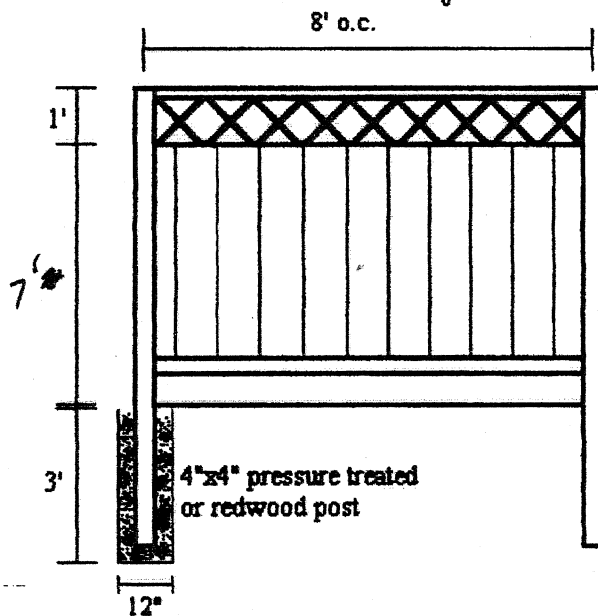
Proposed 7' x
fence w/gate

Yorktown Dr

front fence w/gate
Seven foot high fence without lattice



7 Rear fence
**Six foot high fence with one foot of lattice
(~~seven~~ foot total height)**



ALONG
FREMONT